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7 IN THE UNITED STATES DISTRICT COURT FOR THE  
8 EASTERN DISTRICT OF CALIFORNIA  
9

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 ALYN RICHARD WAAGE, and  
JAMES MICHAEL WEBB,

14 Defendants.  
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2:03-CR-005-EJG

FINAL ORDER OF FORFEITURE -  
LATVIAN ASSETS

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17 Upon the application of the United States of America, and  
18 for good cause shown, the Court makes the following FINDINGS AND  
19 ORDERS:

20 1. The Government has provided notice of this Preliminary  
21 Order of Forfeiture filed September 2, 2003, in a manner  
22 consistent with the requirements of 21 U.S.C. § 853(n) (as  
23 incorporated by 18 U.S.C. § 982(b)(1)) and the requirements of  
24 due process. No person has come forward to file a timely  
25 petition against any of the assets identified in the Court's  
26 Preliminary Order, and the time for doing so has expired.

27 2. The Court has been fully apprized of the court of  
28 appeals' decision in United States v. \$4,224,958.57, 392 F.3d 102

(9<sup>th</sup> Cir. 2004) ("Boylan"). For substantially the reasons indicated in the Government's application for final order of forfeiture, the Court concludes that Boylan is distinguishable. Given the comprehensive legislative scheme of both the Mandatory Victim Restitution Act and the criminal forfeiture laws, and the unique complexities of this case, the Court concludes that the interests of potential victims in this case and in the parallel criminal cases falls outside the zone of interests protected by the ancillary proceeding provisions of the criminal forfeiture statutes, and that the question of whether to transfer assets that are subject of this proceeding to potential victims is one that should be left to the discretion of the Attorney General.

3. Pursuant to Rule 32.2(c)(2), the Court finds that the defendants convicted in this case, and the in the parallel criminal cases (or some combination of defendants convicted in these cases), had an interest in each of the assets identified in the Court's Preliminary Order of Forfeiture filed September 2, 2003. Accordingly, the Court hereby makes the Preliminary Order of Forfeiture the Final Order of Forfeiture, and finally and conclusively orders that the assets identified in the Preliminary Order of Forfeiture be, and the same hereby are, forfeited to the United States of America to be disposed of as provided for by law. A true and correct copy of the Court's

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1 Preliminary Order of Forfeiture is attached hereto as Attachment  
2 A and incorporated herein.

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4 SO ORDERED this 11th day of August, 2005.

5 /s/ Edward J. Garcia  
6 EDWARD J. GARCIA  
7 United States District Judge  
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